

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

ELLEN JOHNSTON,

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:07CV042-P-B

**ONE AMERICA PRODUCTIONS, INC.;
TWENTIETH-CENTURY FOX FILM
CORPORATION; JOHN DOES 1 AND 2,**

DEFENDANTS.

ORDER

In accordance with a Memorandum Opinion issued this day, **IT IS ORDERED AND ADJUDGED** that:

(1) The defendants' motion to strike [14] the plaintiff's exhibits to their response to the defendants' motion to dismiss is hereby **GRANTED**; thus,

(2) The court has stricken said exhibits from its consideration of the defendants' motion to dismiss;

(3) The defendants' motion to dismiss [7] the plaintiff's claims for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) is **GRANTED IN PART AND DENIED IN PART**; specifically,

(4) The motion to dismiss is granted regarding the plaintiff's invasion of privacy claims premised upon intrusion upon seclusion and disclosure of private facts, therefore those claims are **DISMISSED WITH PREJUDICE**; and

(5) The motion to dismiss is denied regarding the plaintiff's invasion of privacy claim premised upon misappropriation of likeness for commercial gain and false light as well as her gross negligence claim.

SO ORDERED this the 22nd day of August, A.D., 2007.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE